

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHAD M. LARSON,

Defendant.

ORDER

05-cr-77-bbc

Defendant Chad M. Larson has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on November 10, 2005. The motion will be granted.

Defendant's original total adjusted offense level was 31; he was sentenced to 156 months, which was slightly above the bottom of the sentencing guideline range of 151 to 188 months. Under the amended guidelines, his base offense level is 30, increased by two levels for use of a minor and reduced by three levels for acceptance of responsibility. With an offense level of 29 and a criminal history category of IV, defendant has an advisory guideline range of 121 to 151 months.

Defendant asks for a sentence of 121 months, at the bottom of the amended

sentencing range. The government argues for a proportional decrease slightly above the bottom of the amended range, or 125 months.

I am persuaded that in this case a reduction to the bottom of the range is justified as a response to the sentencing discrepancy between crack and powder cocaine offenses. The reduced sentence will still carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's crime and his use of two minors, one of whom was his own brother, as well as protecting the community and achieving parity with the sentences of similarly situated defendants.

Defendant has not asked for a sentence below the guideline range and I am not inclined to give him one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007).

ORDER

IT IS ORDERED that the judgment and commitment order signed on November 14, 2005 is AMENDED to provide that the sentence imposed on defendant Chad M. Larson is reduced to 121 months. In all other respects, the judgment and commitment order remains

as signed on November 14, 2005.

Entered this 3d day of June, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge